

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**HARDI NORTH AMERICA, INC.  
PLAINTIFF**

**vs.**

**CIVIL ACTION NO. 4:18-cv-083-JMV**

**CHARLES JOSEPH SCHINDLER II  
a/k/a CHARLES SCHINDLER;  
CHARLOTTE ASHLEY SCHINDLER, a/k/a  
CHARLOTTE FLEMMONS, a/k/a ASHLEY ROBERTSON;  
DELTA SOUTHERN CHEMICAL COMPANY, LLC; and  
SOUTHERN GULF COAST FUEL, LLC  
DEFENDANTS**

**ORDER ON MOTIONS FOR  
PARTIAL SUMMARY JUDGMENT AND PARTIAL FINAL JUDGEMENT  
AS TO CHARLES JOSEPH SCHINDLER II  
AND CHARLOTTE ASHLEY SCHINDLER**

This matter is before the court on the [112] [114] motions of plaintiff, Hardi North America, Inc. (“Hardi”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, for entry of *partial* summary judgment in its favor as to Charles Schindler, II (“Charles Schindler”) and Charlotte Ashley Schindler (“Ashley Schindler”), and to make the same final under Rule 54(b). Doc. #112-115.

Having had no response from Charles Schindler or Ashley Schindler to the motion and noting that neither has otherwise complied with the court’s January 31 Order regarding their intent to proceed *pro se*, the court is prepared to rule.

Charles Schindler and Ashley Schindler guaranteed to Hardi North America, Inc. the payment of any indebtedness of Delta Chemical, LLC. *See* Doc. #1 at Ex. 3.

On January 3, 2019, this Court found that Delta Chemical is indebted to Hardi. *See* Doc. #94, 109. Hardi is therefore entitled, at this time, to a partial summary judgment in the amount of

\$164,880.00, plus interest, as of August 31, 2018, in the amount of \$13,084.00 and continuing to accrue through January 3, 2019, in the additional amount of \$10,387.44 (\$164,880 x ((.015/30) x 126))), as well as post-judgment interest at the legal rate against Charles Schindler and Ashley Schindler, jointly and severally. *See Doc. #94.* Attorney's fees have been waived by the Plaintiff.

**I. Rule 54(b)**

Pursuant to F. R. Civ. P. 54(b), there is no just reason for delay, and the judgment, although disposing of fewer than all of the claims and parties, should be and is a final judgment.

Therefore, final judgment shall enter, as to sprayer number 4566, in the collective amount of \$188,351.44, an aggregate of the following amounts against Charles Schindler and Ashley Schindler, jointly and severally:

1. Compensatory damages in the amount of \$164,880.00;
2. Interest in the amount of \$23,471.44;
3. Attorney's fees of \$0;
4. Prejudgment interest of \$0;
5. Post-judgment interest at the rate allowed by law on all monetary recovery from the date of this Final Judgment, until paid in full; and
6. Court costs and fees of \$0.

The court having considered the motions, finds that they are well taken and should be GRANTED.

SO ORDERED, this the 12<sup>th</sup> day of March, 2019.

/s/ Jane M. Virden  
U.S. MAGISTRATE JUDGE